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असाधारण
EXTRAORDINARY

भाग II—खण्ड 3—उप-खण्ड (II)
PART II—Section 3—Sub-section (II)

प्राधिकार से प्रकाशित
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नई दिल्ली, सोमवार, अक्टूबर 29, 1984/कार्तिक 7, 1906

No. 526]

NEW DELHI, MONDAY, OCTOBER 29, 1984/KARTIKA 7, 1906

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में
रखा जा सके

Separate paging is given to this Part in order that it may be filed as a separate
compilation

गृह मंत्रालय

नई दिल्ली, 29 अक्टूबर, 1984

अधिसूचना

का.भा. 809(अ):—केन्द्रीय सरकार ने विधि विरुद्ध
क्रियाकलाप (निवारण अधिनियम, 1967)* (1967 का 37)
की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का
प्रयोग करते हुए तारीख 1 मई, 1984 को दल खालसा को
विधि विरुद्ध संगम घोषित किया था —

और केन्द्रीय सरकार ने उक्त अधिनियम की धारा 5
की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए
तारीख 16 अप्रैल, 1984 को विधि विरुद्ध क्रियाकलाप
(निवारण) अधिकरण गठित किया था जिसमें मद्रास उच्च
न्यायालय के न्यायमूर्ति श्री पी.आर. गोकुलाकृष्णन थे ;

और केन्द्रीय सरकार ने उक्त अधिनियम की धारा 4
की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते
हुए उक्त अधिसूचना को इस बात का न्यायनिर्णयन करने के

प्रयोजनार्थ कि उक्त संगम को विधि विरुद्ध घोषित करने के
लिए पर्याप्त कारण है या नहीं, 25 मई, 1984 को उक्त
अधिकरण को निर्दिष्ट किया था ;

और उक्त अधिकरण ने उक्त अधिनियम की धारा 4
की उपधारा (3) द्वारा प्रदत्त शक्तियों का प्रयोग करते
हुए, 25 अक्टूबर 1984 को आदेश पारित किया ;

अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 4 की
उपधारा (4) के अनुसरण में उक्त अधिकरण का उक्त
आदेश प्रकाशित करती है, अर्थात् :—

आदेश

विधि विरुद्ध क्रियाकलाप (निवारण) अधिकरण के समक्ष
(अंग्रेजी में प्रकाशित अधिसूचना देखिए)

[सं. 20/17017/52/84-आई.एस. (यू.एस.डी-2)]

डा. संदीप खन्ना, उप सचिव

MINISTRY OF HOME AFFAIRS

New Delhi, the 29th October, 1984

NOTIFICATION

S.O. 809(E).—Whereas the Central Government in exercise of the powers conferred by sub-section (1) of section 3 of the Unlawful Activities (Prevention) Act, 1967 (37 of 1967) declared on the 1st May, 1984 the 'Dal Khalsa' to be an unlawful association ;

And whereas the Central Government, in exercise of the powers conferred by sub-section (1) of section 5 of the said Act, constituted on the 16th April, 1984 the Unlawful Activities (Prevention) Tribunal consisting of Shri Justice P. R. Gokulakrishnan, Judge of the Madras High Court ;

And whereas the Central Government in exercise of the powers conferred by sub-section (1) of section 4 of the said Act, referred the said notification to the said Tribunal on the 25th May, 1984 for the purpose of adjudicating whether or not there was sufficient cause for declaring the association as unlawful ;

And whereas the said Tribunal in exercise of the powers conferred by sub-section (3) of section 4 of the Act made an order on the 25th October, 1984 ;

Now, therefore, in pursuance of sub-section (4) of section 4 of the said Act, the Central Government hereby publishes the said order of the said Tribunal, namely :—

BEFORE THE UNLAWFUL ACTIVITIES (PREVENTION) TRIBUNAL, MADRAS

Thursday the Twenty-fifth day of October, One thousand nine hundred and eighty four

PRESENT :

The Hon'ble Mr. Justice P. R. Gokulakrishnan.
(Judge, High Court of Judicature, Madras).

In the matter of a reference under Section 4(1) of the Unlawful Activities (Prevention) Act, 1967.

(Central Act No. 37 of 1967).

AND

In the matter of Dal Khalsa.

Reference No. 2 of 1984

This reference coming on for inquiry under Section 4(3) of the Unlawful Activities (Prevention) Act, 1967 on the 21st day of September, 1984, in the Second Court Hall, High Court Buildings, Madras, and on the 15th and 16th days of October, 1984 at the Punjab Bhavan, New Delhi, in the presence of Mr. Anand Swarup, Advocate for the Central Government, on all the days, and the Dal Khalsa not appearing either through Counsel or by authorised representative, the Tribunal pronounced the following.

ORDER

This Tribunal is constituted by Notification dated 16th April, 1984, issued under Sub-section (1) of Section 5 of the Unlawful Activities (Prevention) Act, hereinafter referred to as the 'Act', which is in the following terms :

"(1) The Central Government, may, by Notification in the Official Gazette, constitute as and when necessary, a Tribunal to be known as the "Unlawful Activities (Prevention) Tribunal" consisting of one person to be appointed by the Central Government ;

Provided that no person shall be so appointed unless he is a Judge of a High Court."

The necessity for the Central Government to constitute this Tribunal arose on account of certain activities carried on by certain "Associations" in the State of Punjab, which the Central Government considered as "Unlawful Activities", thereby rendering the said Associations which carried on such unlawful activities as "Unlawful Associations".

This, therefore, leads to a discussion as to what the 'Act' means by the expressions 'Association', 'Unlawful Association' and 'Unlawful Activity'.

"Any combination or body of individuals" is an association under Section 2(a) of the Act.

What makes such an 'association' as 'Unlawful Association' is dealt with in Section 2(g) of the Act.

"Any Association—

(1) which has for its object—

- (a) any Unlawful Activity ; or
- (b) any activity which is punishable under Section 153-A I.P.C. ; or
- (c) any activity which is punishable under Section 153-B I.P.C. ; or

(2) which encourages or aids persons—

- (a) to undertake any unlawful Activity ; or
- (b) to undertake any activity punishable under Section 153-A I.P.C. ; or
- (c) to undertake any activity punishable under Section 153-B I.P.C. ; or

(3) whose members themselves—

- (a) undertake any Unlawful activity ; or
- (b) undertake any activity punishable under Section 153-A I.P.C. ; or
- (c) undertake any activity punishable under Section 153-B I.P.C."

is an Unlawful Association. This again leads to an understanding the meaning of the expression "Unlawful Activity" and as what constitute offences under Section 153-A and 153-B of the Indian Penal Code.

Section 2(f) of the Act deals exhaustively, by whom, how and in what manner an "Unlawful Activity" may be committed.

An Unlawful Activity may be committed by—

- (1) an individual; or
- (2) an Association;

Such activity may be committed—

- (1) by a Physical act; or
- (2) by words, spoken or written; or
- (3) by signs; or
- (4) by visible representations; or
- (5) in any other manner.

Such activity may be—

- (1) to bring about the Cession of a part of the territory of India; or
- (2) to bring about the secession of a part of the territory of India; or
- (d) which disclaims the sovereignty and territorial integrity of India; or
- (4) which disrupts the sovereignty and territorial integrity of India;

It is not necessary that the aforesaid should actually result from the actions of the Association. An intention on the part of the Association, to bring about cession or secession or a support by the Association to any such claim or an incitement given by the Association to any individual or group of individuals to do such activity or an intention on its part to disrupt the Sovereignty and territorial integrity of India also constitute Unlawful Activity.

Any person—

- (i) who promotes enmity between different group or groups of religion, race, place of birth, residence, language, etc., and does act, which are prejudicial to the maintenance of harmony and commits an offence under Section 153-A I.P.C.;
- (ii) who makes imputations or assertions that are prejudicial to national integration, commits an offence under Section 153-B I.P.C.

The gravity of these offences is more, if they are committed in places of worship.

The Central Government, if it is of the opinion that any Association is or has become an unlawful association, has to issue a Notification in the Official Gazette declaring such Association as an 'Unlawful Association' [Section 3 (1)]. This notification should specify the grounds on which it is issued and any other particulars considered necessary. [Section 3(2)]. A disclosure of any fact which will be against public interest need not be disclosed (Proviso to Section 3(2)).

The Notification aforesaid should also be—

- (i) published in not less than one newspaper having circulation in the State in which the

Principal Office of the Association is situate; and

(ii) served—

- (a) by affixing a copy of the Notification in some conspicuous part of the Office of the Association;
- (b) on the Principal Office-bearers of the Association with a copy of the Notification;
- (c) by proclamation of the contents of the Notification; and
- (d) in such other manner as may be prescribed.

Within thirty days from its publication, the Central Government, shall, refer the Notification to a Tribunal, constituted under Section 5(1) of the Act, for adjudicating, whether or not, there is sufficient cause for declaring the Association Unlawful (Section 4(1)). The Tribunal, shall, on receipt of the reference, issue notice to the affected Association to show cause, within thirty days from the date of service, as to why the Association should not be declared unlawful (Section 4(2)). Rule 6 of the Rules framed under the Act prescribes the modes in which notice under Section 4(2) of the Act should be served. The Tribunal should consider the cause shown by the Association or its Office-bearers or its members against the Notification, on receipt of the notice under Section 4(2) of the Act. The Tribunal should, thereafter, hold an inquiry in the manner specified in Section 9 of the Act (Section 4(3)). Section 9 of the Act states that the procedure to be followed by the Tribunal in holding an inquiry under Section 4(3), should, as far as possible, be the procedure laid down in the Code of Civil Procedure for investigation of claims, that is, Order XVIII of the Code of Civil Procedure, which deals with the hearing of the suit and the examination of witnesses. The Act also empowers the Tribunal to regulate its own procedure in all matters arising out of the discharge of its functions including the place or places at which it will hold the sittings (Section 5(5)). The Act further empowers the Tribunal with the powers of a Civil Court under the Code of Civil Procedure in the matter of—

1. summoning and enforcing the attendance of any witness and examine him on oath;
2. the discovery and production of any document or material object;
3. the receiving of evidence on affidavits;
4. the requisitioning of any public record from any Court or office; and
5. the issuing of Commission for the examination of Witnesses (Section 5(6)).

Normally, a Notification issued under Section 3(1) of the Act will have effect only when the Tribunal confirms the declaration made in the Notification and the order confirming the declaration is published in the Official Gazette (Section 3(3)). The Central Government has the power to give immediate effect to the Notification, provided it states the reasons in writing. In such a case, the Notification will have effect from the date of its Publication in the Official Gazette.

The Tribunal is further vested with the power to call for additional information either from the Central

Government or from any office bearer or member of the Association. The Tribunal shall thereafter decide whether or not there is sufficient cause for declaring the Association unlawful. This should be done within six months from the date of issue of the Notification under Section 3(1) of the Act. The Tribunal by this order, may, either confirm the declaration in the Notification or cancel the same (Section 4(3)). The Order of the Tribunal shall be published in the Official Gazette (Section 4(4)).

The Central Government, in the Gazette of India Extra-ordinary Part II Section 3 Sub-section (ii) dated 1-5-1984 has issued the following Notification :—

S.O. 388(E). Whereas the organisation known as 'DAL KHALSA'—

- (i) which had declared as its main objective the establishment of a complete autonomous 'Khalsa State' has, in pursuance of its objective, been preaching secession and disruption of the territorial integrity of India through its activists ;
- (ii) whose office-bearers and activists have extended support to the creation of 'Khalistan', a separate State, by raising pro-Khalistan slogans and through such activities as burning the Indian National Flag and participating in gatherings and demonstrations to promote the cause of a separate State of Khalistan;

And whereas the Central Government is of the opinion that for the reasons aforesaid, the 'Dal Khalsa' is an unlawful association;

And whereas the Central Government is further of the opinion that because of the raising of pro-Khalistan slogans and other activities of the office-bearers and activists of the 'Dal Khalsa', it is necessary to declare the 'Dal Khalsa' to be unlawful with immediate effect ;

Now, therefore, in exercise of the powers conferred by sub-section (1) of Section 3 of the Unlawful Activities (Prevention) Act, 1967 (37 of 1967); the Central Government hereby declares the 'Dal Khalsa' to be an unlawful association, and directs, in exercise of the powers conferred by the Proviso to sub-section (3) of that section, that this notification shall, subject to any order that may be made under Section 4 of the said Act, have effect from the date of its publication in the Official Gazette.

(Sd.)

L. N. GUPTA, Jt. Secy.
to the Govt. of India."

The Government of India, Ministry of Home Affairs, New Delhi by letter No. 4/12/84-I dated 25-5-1984, had referred the aforesaid Notification to this Tribunal for adjudicating whether or not there is sufficient cause for declaring the 'Dal Khalsa' as unlawful. Notice under Section 4(2) of the Act was issued to 'Dal Khalsa' and its office-bearers by registered post prepaid for acknowledgment, by proclamation, by means of loud-speaker in and around the place

in which the principal office of the Association is situate ; by affixture on a conspicuous part of the Principal Office of the Association and by publication in English and Punjabi Dailies having circulation in the place where the principal office of the Association is situate. The notices were returned on 11-8-1984. In response to the notice issued under Section 4(2) of the Act, Harsimran Singh, the Mukh Panch of Dal Khalsa, has sent in a representation through the Superintendent, Central Jail, Amritsar, stating therein that two of the office-bearers of the Association are in Pakistan Jail, two of the office-bearers have slipped to Britain and that he is confined in jail since 12-1-1982. He further states in his representation that he has been expelled unceremoniously from the organisation in March, 1982, that the then Home Minister had stated in the Lok Sabha in May, 1982 that one Jaswant Singh, now in Britain, is the Mukh-Panch of Dal Khalsa, that as far as he can say, there remains no organisation but only name after its ban in May, 1982; when its first rank leaders were either jailed or reportedly slipped to other countries, that in the absence of any second or even third rank leadership in India or any other responsible person, the organisation had been virtually extinguished from the Indian Soil, that he emotionally considered himself as a silent part of the organisation till June, 1984, when due to certain reported developments outside, he formally severed all his remaining sentimental links from the banned organisation and that he is helpless to speak anything on behalf of Dal Khalsa at present. He had further stated that on reading the Notification in the newspaper 'Ajit', he considered it his duty to inform the Tribunal the present position and his situation and that he did not know if anyone else or any of the persons mentioned in the Notification is endeavouring to put Dal Khalsa's case before the Tribunal.

The Tribunal fixed the preliminary hearing on 21-9-1984 and caused notice of the same served on Dal Khalsa and its office-bearers by registered post, by affixture, by proclamation and by publication in newspapers.

The Central Government, on that day filed a list of witnesses to be examined on its behalf.

The Tribunal, in exercise of the powers conferred on it by Section 5(5) of the Act, laid down the following procedure to be followed by it during the inquiry.

1. The Tribunal will hold its sitting at Punjab Bhavan, New Delhi, from 4-10-1984 to 18-10-1984;
2. The further dates and places of sittings, if necessary, will be decided by the Tribunal, during its sittings at New Delhi;
3. The Tribunal will not undertake the responsibility of causing the production of witnesses to be examined on behalf of the Central Government or the affected association, nor will it issue commission for the examination of any witness to be examined on behalf of the Central Government or the affected Association and it will be the duty of the respective parties to the inquiry to produce their witnesses.

This Tribunal has, therefore, complied with all the procedure formalities necessary for the adjudication of the reference before it. It has now to be considered whether or not there is sufficient cause for declaring the Dal Khalsa an unlawful association.

The grounds furnished in the notification for declaring Dal Khalsa as Unlawful Association are :

1. Dal Khalsa—

- (i) had declared that its main objective is the establishment of a complete autonomous 'Khalsa State'
 - (ii) has in pursuance of its objective been practising secession and disruption of the territorial integrity of India, through its activities.
2. that the office-bearers and activists have extended support to the creation of 'Khalistan', a separate State—
- (i) by raising pro-Khalistan slogans;
 - (ii) by burning the Indian National Flag;
 - (iii) by participating in gatherings and demonstrations to promote the cause of a separate State of Khalistan.

The grounds mentioned in the Notification show that Dal Khalsa is engaged in secessionist activities. The Central Government has, therefore, to let in evidence to substantiate the above grounds. The Tribunal has also to consider the value of evidence placed before it.

In this context, it will be very relevant to state that Dal Khalsa was declared as an 'Unlawful Association' by a Notification dated 1-5-1982 and this was confirmed by a Tribunal constituted under the Act on 19-10-1982.

The Notification dated 1-4-1982, as confirmed by the Tribunal, remained in force for a period of two years from 1-5-1982 under Section 6 of the Act. Evidence should, therefore, be adduced that Dal Khalsa had not abandoned its activities but is still continuing through its office-bearers and members to undertake 'unlawful activities' as defined in the Act.

At this stage, it is necessary to notice the nature and scope of the evidence that can be made available by the Central Government in support of its Notification. There is a ban on Dal Khalsa. During the currency of the ban, neither Dal Khalsa nor its office-bearers can carry on any of the activities openly. No one can be a member or continue to be a member of Dal Khalsa nor take part in its activities nor contribute to the Dal Khalsa nor solicit contribution nor assist in any of its operations. Acts of the above nature committed by any person after Dal Khalsa has been declared 'unlawful' by the Notification dated 1-5-1982, as confirmed by the Tribunal, are punishable under Section 10 of the Act. Similarly, any person who takes part or commits any 'unlawful activity' or advocates, abets, advises or incites the commission of any 'unlawful activity' or in any way assists any unlawful activity is punishable under Section 13 of the Act. The Dal Khalsa and its office-bearers can possibly undertake their unlawful activities only surreptitiously and by being underground.

Rule 3 of the Rules framed under the Act states that the rules of evidence embodied in the Indian Evidence Act are not strictly applicable to an inquiry under the Act. The expression "as far as practicable" used in Rule 3 clearly indicates that the Indian Evidence Act need not be followed strictly in an inquiry of this nature. The object of the Rule, in my opinion, is that in inquiries like the present one, one cannot expect that type of evidence as is expected of in a civil or criminal proceeding before a Court of Law. Further, the scope of this enquiry is to find out whether the Central Government has sufficient material for declaring Dal Khalsa as an 'unlawful association'. The Central Government should, therefore, show that it had sufficient cause to justify the Notification and continue the ban on Dal Khalsa.

To justify the Notification and to establish that the Dal Khalsa, despite the ban imposed on it by Notification dated 1-5-1982, is still continuing its 'unlawful activities', the Central Government has examined in this enquiry eleven witnesses and filed twenty six exhibits.

The Dal Khalsa was not represented in this enquiry. There was, therefore, no cross-examination of the witnesses examined by the Central Government.

Mr. Anand Swarup, learned counsel appearing for the Central Government, submitted that subsequent to the order of the Tribunal confirming the declaration that Dal Khalsa is an 'unlawful association', the evidence let in this inquiry amply establishes that Dal Khalsa continued to undertake unlawful activities, that the Central Government was justified in issuing the Notification and that, therefore, the declaration in the Notification should be confirmed. Mr. Anand Swarup, learned counsel, referring to the letter of Har-simran Singh addressed to the Tribunal on 6-8-1984, submitted that this individual, as an office-bearer of Dal Khalsa, had notice of the proceedings before this Tribunal and that from that circumstance an inference could legitimately be drawn that the organization has had valid service of the notice of the Tribunal under Section 4(2) of the Act. According to the learned counsel, Harsimran Singh aforesaid is a 'Mukh Panch' of the Dal Khalsa even though he claims to have dissociated with it as referred to in his letter to the Tribunal. The learned counsel would submit that there being a valid service of the notice under Section 4(2) of the Act, as aforesaid, in as much as Dal Khalsa has not shown cause within thirty days from the date of service of notice as to why that organisation should not be declared as unlawful, it must be deemed that there was sufficient cause for the Central Government for issuing the Notification under Ex. G-2.

On merits, Mr. Anand Swarup submitted that as disclosed by the evidence adduced by the Central Government, there emerge nine instances pointing to the unlawful activities undertaken by Dal Khalsa. The learned counsel elaborating the nine instances with reference to the evidence on record, argued that the Central Government has shown sufficient cause for declaring Dal Khalsa as an 'unlawful association'. I do not think it necessary to state here the details of the argument of the learned counsel on this aspect, since I will be discussing the same in detail in the relevant context in the succeeding paragraphs.

The points that arise for determination are :

1. Whether the Notification dated 1-5-1984 is in accordance with the provisions of the Act ?
2. Whether the Central Government has shown sufficient cause for declaring Dal Khalsa an 'unlawful association' ?

Point No. 1 :—G.W. 1 is the Joint Secretary, Ministry of Home Affairs, Govt. of India, New Delhi. He handles matters relating to National Security, Communal Harmony, National Integration, etc. In his evidence, he speaks about the previous Notification dated 1-5-1982 and the decision of the Tribunal confirming the Notification declaring Dal Khalsa an 'unlawful association'. The original Notification, according to him, was confirmed by the Tribunal by the order under Ex. G-1. G.W. 1 testifies that the organisation Dal Khalsa and its members and sympathisers, according to information from the Government of Punjab and other sources, continued to engage themselves in unlawful activities and therefore, it was felt that there was need to declare Dal Khalsa as an unlawful association even after the expiry of the Notification, viz., 20-4-1984. G.W. 1 deposes that the Government of India took into account the views expressed by the Government, the report submitted by that Government as also information received from other sources and then decided to declare Dal Khalsa as an 'unlawful association' with effect from 1-5-1984. Notification to this effect was published in the Gazette of India, Extraordinary dated 1-5-1984. Ex. G-2 is that Notification.

According to G.W. 1, by invoking the Proviso to sub-section (3) of Section 3 of the Act, the Notification under Ex. G-2 was made effective with effect from the very date of publication viz., 1-5-1984, and mention to this effect was made in the Notification itself under Ex. G-2(a).

G.W. 1 also speaks about the publication of Ex. G-2 Notification. He states that the Notification under Ex. G-2 dated 1-5-1984 was announced through the All India Radio and the Doordarshan and was also published in some newspapers released from Jullunder, Kanpur, Rotak, etc. In support of this version, he produced into Court some of the newspapers in which the Notification was published, and the same is marked as Ex. G-3 series. Intimation was given to the Director of Advertising and Visual Publicity, Ministry of Information and Broadcasting for making due publication of the Notification, and the Director, in turn, addressed the Advertising Managers of 18 newspapers for publishing the Notification in their newspapers under copy addressed to the Home Ministry. That letter dated 8-5-1984 is marked as Ex. G-4.

There was no cross-examination of G.W. 1 and his evidence supported by documentary evidence, in my opinion, is genuine and trustworthy. Thus, the evidence of G.W. 1 clearly establishes that the Central Government had complied with the provisions of Section 3 of the Act when issuing the Notification under Ex. G-2.

POINT NO. 2 :—The next aspect we have to consider is whether the Central Government has shown

sufficient cause for declaring Dal Khalsa as an unlawful association.

Before entering into a discussion on the evidence adduced, it is necessary to consider in detail the letter of Harsimran Singh addressed to this Tribunal. That is a letter bearing the date August 26, 1984, and was sent by registered post. Harsimaran Singh has addressed himself in that letter as "a former Dal Khalsa activist, presently lodged in Central Jail, Amritsar". The letter recites, among other things,

"Two of the members of the Supreme Council of Dal Khalsa namely S. Gajinder Singh son of S. Manohar Singh and S. Satnam Singh son of Dr. Kashmira Singh are reportedly under the custody of Pakistan Government since September, 1981, when they along with some other persons allegedly hijacked an Indian Airlines Plane and were subsequently arrested by the Pakistani police on 30th September, 1981 at the Lahore Airport. The other two members, namely S. Jaswant Singh son of S. Bawa Singh and S. Manmohan Singh son of S. Darshan Singh have reportedly slipped to Britain sometime in November-December, 1982."

The further averment in the letter is that Harsimran Singh is not the "Mukh Panch" of Dal Khalsa since he has been expelled unceremoniously from the organisation in March, 1982 and that even though he was considering himself as part of the organisation as its Mukh Panch till June, 1984, subsequent to that date, he has formally severed his connections from the banned organisation called Dal Khalsa. As such, he would state in the letter, that he cannot plead anything on behalf of Dal Khalsa. This letter written to the Tribunal and sent by registered post, would bear testimony that some of the activists of the organisation Dal Khalsa are in Pakistan and some have slipped away to London sometime in November-December, 1982. Harsimran Singh would describe himself as "a former Dal Khalsa activist" and would claim to have dissociated himself from Dal Khalsa as its Mukh Panch. He had notice about the enquiry before this Tribunal from the paper "Ajit". Publication and other modes of service of the notice of the Tribunal is clearly thus established. It should be deemed that the organisation Dal Khalsa had sufficient notice. Under section 4(2) of the Act, the organisation would have to show cause within thirty days from the date of service of the notice, as to why it should not be declared unlawful. Till date, the organisation has not come forward with any explanation.

I shall now proceed to discuss the nine instances of 'unlawful activities' undertaken by Dal Khalsa.

The first instance of unlawful activity levelled against Dal Khalsa is stated to be contained in Ex. G-5. Ex. 5(a) is its English translation. Ex. G-5 is a letter addressed to Durgiana Mandir Committee. G. W. 2, the Supdt. of Police, CID, Amritsar claims to have received it and he states that it was produced before him by his censor unit. On the basis of Ex. G-5, G.W. 2 sent a report to the Senior Supdt. of Police, Amritsar for taking necessary preventive action, on 11-7-1983.

Ex. G-5(a), which is the English translation of Ex. G-5 reads as follows :—

“Khalistan Zindabad

To prevent the Amritdhari Sikhs to enter Durgiana Mandir amounted to a challenge for Sikhs.

Durgiana Mandir would be dashed to the ground through bombs within a week. Other Mandirs in India would also meet a similar fate. All Hindus would be shot dead.

Dal Khalsa.

Khalistan—Zindabad.

Bhindaranwala—Zindabad.

Dal Khalsa—Zindabad.

Talwinder Singh—Zindabad.”

Ex. G-5, produced by G.W. 2, foments communal hatred between Sikhs and Hindus. Such an act is punishable under Sections 153-A and 153-B of the Indian Penal Code. This letter was issued by Dal Khalsa. It cannot anything but be an ‘unlawful activity’. There could be no motive for G.W. 2 to attribute such activities to Dal Khalsa. His evidence besides being unchallenged, is trustworthy and could be safely acted upon. Ex. G-5, the English translation of which is Ex. G-5(a), winds up with the slogans which would point to the establishment of an independent and separate State of Khalistan seceding a portion from the territory of the Indian Union. This would definitely attract the definition under section 2(f) of the Act which defines an ‘unlawful activity’.

The second instance of unlawful activity is the publication of news item in the English monthly journal called ‘Khalistan News’. The monthly issue in question has been marked as Ex. G-7. This monthly journal is being published from the United Kingdom. Ex. G-7, at page 8, contains anti-India activities of Tekadar Jaswant Singh, Mukh Panch of Dal Khalsa. At page 3 thereof, there is a news item regarding the burning of the Indian National Flag under the caption “Dal Khalsa burns Indian National Flag”. The burning of the Indian National Flag by the Dal Khalsa was stated to be in front of the office of the High Commissioner of India in London.

G.W. 3, Deputy Supdt. of Police, CID, Jullunder, in his evidence would depose that he got Ex. G7 through his source, and he has produced the same in this inquiry.

Ex. G-7 is Britain’s only Sikh Paper in English published monthly at London under the name and style of ‘Khalistan News’. This is February, 1984 issue. At page 3 of the issue, news item is given under the caption : “Dal Khalsa Burns Indian National Flag”. In this news item, which is separately marked as Ex. G-7(a), it is inter-alia stated as follows:—

“Satwant Singh carried the Indian Flag which was set on fire by the veteran Akali leader

S. Gurdial Singh Banga amidst slogans of ‘Long life the sovereign Sikh State’. The police rushed to stop the activities but the flag was burnt at the time of police intervention, so the ashes were escorted by the police for ‘last rites’. No arrests were made. The same activity in India carries severe repercussions.”

In the very same Ex. G-7 news journal, another item of news occurs under the caption “Press Conference in Favour of UDI”. This Press Conference is stated to have been convened by Dr. Jagjit Singh, President of National Council of Khalistan at Strand Palace Hotel in London on December 29, 1983, in which he is stated to have proposed a ‘unilateral declaration of Independence’ to be endorsed by all parties and factions taking part in the “dharm yudh morcha”. It is found in the news item that Dr. Jagjit Singh “was flanked by Jaswant Singh Thekedar, Mukh Panch of Dal Khalsa” and others at that time. In this context, Mr. Anand Swarup, learned counsel for the Central Government, submitted that Jaswant Singh Thekedar is a Mukh Panch of Dal Khalsa and that from the news item under Ex. G-7(b), it is legitimate to infer that Dal Khalsa endorsed the press conference address given by Dr. Jagjit Singh proposing a unilateral declaration of an independent State called ‘Khalistan’. This activity is clearly secessionist activity carried on by the National Council of Khalistan and Dal Khalsa in the United Kingdom on 29th December, 1983 occurring after the first Notification under Ex. G-1. This would certainly come under the definition of Section 2(f) of the Act.

The third instance of unlawful activity is also spoken to by G.W. 3. G.W. 3 got from his source a threatening letter written by Dal Khalsa addressed to B. K. Kullar Nakodar Chowk, Jullunder. The photostat copy of the said letter is Ex. G-8 and its English translation is Ex. G-8(a). According to G.W. 3 B.K. Kullar is a leader of Congress (I) Youth and President of the Quami Ektha Committee.

Ex. G-8(a) reads as follows :—

“To

Shri B. K. Kullar,
250, Nakodar Chowk,
Jullunder (Punjab).

O, Police dog Kullar your end will be very soon.

Dal Khalsa.

(Two diagrams of guns encircle the above writing).”

The evidence of G.W. 3 is unchallenged and there is nothing to discredit his testimony. This activity of Dal Khalsa, in my opinion, attracts the mischief of Section 2(f) of the Act.

The fourth instance relied on is covered by four threatening letters marked as Exs. G-9, G-10, G-11 and G-12. G.W. 4, Deputy Supdt. of Police, C.I.D. Gurdaspur, now P.C.P., Attari, has produced these four letters at this enquiry. He has deposed that his source handed over these letters of a threatening nature written by Dal Khalsa addressed to different individuals.

According to G.W. 4, Ex. G-9 is the original letter addressed to the President, Ramayan Prachar Sabha, Ex. G-9(a) is its English translation and Ex. G-9 (b) is the postal envelope. G.W. 4 in his evidence has stated that he contacted Shri Karan Chand, Advocate, who is the President of the Ramayan Prachar Sabha and that the latter admitted having received the same. The English translation of the letter under Ex. G-9(a) runs as follows :—

“To,

President,
Ramayan Prachar Sabha,
Bazar Badda Mandir,
Batala.

Khalistan Zindabad.

It is requested that your ASTHAN is located near Janghar of our great guru. The great Baba had taken butter on this well, and had paid homage to the Mandir. Now it is the order of our Sant that Guru Granth Sahib and Nishan Sahib should be installed at this place. If Guru Granth Sahib is not installed by December 28, then you and your family would be annihilated. In other case, you will get financial and ‘explosive’ assistance.

S. J. S. Ahluwalia,
Secretary, Dal Khalsa,
Batala Branch (Seal).”

Ex. G-10 produced by G.W. 4 is the original letter addressed to Mahasha Gokul Chand. Ex. G-10(a) is its English translation. Ex. G-10(b) is the postal envelope. G.W. 4 has deposed that he contacted Shri Mahasha Gokul Chand, the President of Prarthana Sabha, Batala, and that the latter admitted having received the letter Ex. G-10. The English translation of Ex. G-10 reads as follows :—

“To

Mahasha Gokal Chand,
Qila Mandi Batala.

Khalistan Zindabad.

It is requested that if you did not instal ‘Nishan Sahib’ on your great place or did not allow us to Parkash Granth Sahib and start PA(N)TH there, then you will be killed and hanged in front of your place. This is the order of our Sant. Those who will not comply orders will be given death penalty. Others will be given financial and ‘Explosive’ assistance.

S. J. S. Ahluwalia,
Secretary Dal Khalsa,
Batala Branch (Seal).”

Ex. G-11 produced by G.W. 4 is the original letter addressed to the General Manager, Punjab Roadways Depot, Batala. Ex. G-11(a) is its English translation and Ex. G-11(b) is the postal cover. G.W. 4

claims in his evidence to have contacted Shri Megh, I.P.S., Officer, General Manager of the Punjab Roadways, and the latter admitted to him of having received Ex. G-11. The English translation of Ex. G-11 reads thus :

“To

General Manager,
Punjab Roadways Depot,
Batala.

Khalistan Zindabad.

You have committed loss of a man and some money. This Govt. and its dogs cannot cause any harm to us. According to the order of the Sant, allow us to write ‘Khalistan’ on your office and buses by December 28, otherwise you and your staff would be no more. There should be a small-sized Nishan Sahib on each bus. Send your whole income to Sant Jarnail Singh, who is all in all of Khalistan. By doing so, you will get financial and ‘explosive’ help from us. You(r) money has already reached our high command at Amritsar.

J. S. Ahluwalia,
(Seal of Dal Khalsa
Batala Branch).”

Ex. G-12, produced by G. W. 4, is the letter addressed to Ram Nam Prachar Samithi, Batala. Ex. G-12(a) is its English translation and Ex. G-12(b) is the postal envelope. In his evidence, G.W. 4 has stated that he contacted Pandit Gogul, President of the Ram Nam Prachar Samithi, who admitted having received Ex. G-12. The English translation of Ex. G-12 runs thus :

“To

Ram Nam Prachar Samiti,
Qila Mandi,
Batala.

Khalistan Zindabad.

It is requested that we the Sikhs of the Great Gurus have been given the job to deal with persons like you with the blessings of Sant Jarnail Singh Bhindaranwala. If you did not make Parkash of Guru Granth Sahib by December 25 and did not start Prachar of Sikh faith, its consequences would be bad. Moreover, if you did not send the whole money to the Sant, then you and your Samiti will be annihilated. Our bereaved family are in dire need of money. If you feel any difficulty, you could meet our Distt. Secretary J. S. Ahluwalia for financial and ‘Explosive’ help.

J. S. Ahluwalia.”

On the basis of these letters Exs. G-9 to G-12, G.W. 4 directed the local police to extend protection to the threatened persons. The evidence of G.W. 4, which is unchallenged, is clear, cogent and trustworthy. No motive could be attributed to him as having concocted Exs. G-9 to G-12, especially when

they have been filed in this inquiry along with their respective postal envelopes. These letters bear the seal of Dal Khalsa. The contents of these letters extracted already, clearly bring out the 'secessionist activity' carried on by Dal Khalsa and their avowed hatred towards the Hindus. This activity comes under the mischief of Section 2(f) of the Act.

The fifth instance, according to Mr. Anand Swarup, learned counsel for the Central Government, is borne out by Ex. G-13, a letter dated 27-2-1984 addressed to Shri Narpal Shergill from the United Kingdom to Guru Chanran Singh 'channi', Editor of 'Ranjit' newspaper, Patiala. G.W. 5, Deputy Supdt. of Police, C.I.D., Patiala, has deposed that he intercepted this letter and forwarded the same with his covering letter to the Supdt. of Police, Special Branch, C.I.D., Punjab at Chandigarh under the original of Ex. G-13(d). Ex. G-13(b) is the English translation of Ex. G-13 and Ex. G-13(c) is the postal envelope which contained Ex. G-13.

Ex. G-13(b) mentions that a demonstration was held in front of the Office of the Indian High Commission on 27th February (1983) at the United Kingdom, in which the Indian National Flag and a photostate copy of the Constitution were burnt by the demonstrators who belong to Dal Khalsa and Shiromani Akali Dal (Longwal). It further makes mention that "Thekedar Jaswant Singh was leading the Jatha of Dal Khalsa". The letter also avers that on 8th February (1983) Dal Khalsa and Shiromani Akali Dal (Longwal) U.K. jointly staged demonstration at the same place against Indian Government and in favour of demands of Shiromani Akali Dal, Amritsar.

Ex. G-13 and G-13(c) read along with the evidence of G. W. 5 amply makes out that Ex. G. 13 was written from the United Kingdom and that it was intercepted by G.W. 5. The testimony of G. W. 5, in my opinion, is trustworthy and is acceptable. Ex. G-13 brings out that Dal Khalsa and other akin organisations of the Sikhs are carrying on even outside India anti-national activities for the establishment of 'Khalistan'. This activity would certainly come under the mischief of Section 2(f) of the Act.

The sixth instance of unlawful activity, according to Mr. Anand Swarup, learned counsel, is spelt out by the poster Ex. G. 15 produced by G. W. 6. G. W. 6, Station House Officer, Police Station Mahilpur, at present Police Station Tanda, District Hoshiarpur, has deposed that he received a letter on 5-1-1984 from the Deputy Supdt. of Police, C. I. D., Hoshiarpur with the order of the Senior Supdt. of Police, Hoshiarpur thereon, along with a copy of a poster. Ex. G-14 is the photostat copy of the letter and Ex. G-15 is the photostat copy of the poster enclosed therewith. In pursuance of the endorsement of the Deputy Supdt. of Police, G. W. 6 registered a case in F.I.R. No. 2 on 5-1-1984. G. W. 7, Sub-Inspector of Police, C. I. D. Unit, Hoshiarpur would testify that the Deputy Supdt. of Police who had endorsed on Ex. G-14 is admitted into the hospital due to heart attack, and both K. Ws. 6 and 7 prove the writing and signature of the Deputy Supdt. of Police made on Ex. G-14 as having come across the same during their official duties. Ex. G-15 could,

therefore, be taken to have been produced from proper custody.

The poster in question, the English translation of which is found in Ex. G-16(a), recites among other things, the slogan "Khalistan Zindabad—Dal Khalsa Zindabad". In one place it is stated therein as follows :—

"You have banned the Dal Khalsa. What happened? Other such like organisations could be formed".

This poster says that is issued by "Khalistan Mukti Sanghathan, Dal Khalsa". A reading of the poster clearly establishes the secessionist activity undertaken by Dal Khalsa along with other organisations either in its own name or in changed name. Section 15 of the Act states as follows :

"An association shall not be deemed to have ceased to exist by reason only of any formal act of its dissolution or change of name but shall be deemed to continue so long as any actual combination for the purpose of such association continues between any members thereof."

The contents of the poster, in the light of the provision in Section 15 of the Act, certainly means that Dal Khalsa is continuing its unlawful activities even subsequent to the ban imposed on it. The averments in the pamphlet spells out secessionist activity undertaken by Dal Khalsa and its hatred towards Hinduism, coming under the mischief of section 2(f) of the Act and Section 153-A of the Indian Penal Code.

The seventh instance of unlawful activity, as argued by Mr. Anand Swarup, relates to the speech made by Harsimran Singh in the District Court premises at Amritsar on 21-2-1984. This instance is spoken to by G.W. 8, Sub-Inspector of Police, Police Station Civil Lines, Amritsar, now Station House Officer, Bhikhiwind. He swears that on 21-2-1984 he was posted on law and order duty along with some others in the District Court, Amritsar, and that Harsimran Singh on coming out from the court-room after having been produced in Court, raised the slogan "Laikhe Rahange Khalistan". G.W. 8 also deposed that Harsimran Singh then addressed the crowd that gathered there, saying "The Indian Constitution is not binding on us. After unseating the Government of India we will achieve Khalistan. We should all collect legal and illegal arms. By exploding bombs, we should open the eyes of the Government of India, so that Khalistan may be achieved quickly". According to G.W. 8, he sent a Ruqa (report) on it to the police station, on the basis of which a case in F.I.R. No. 53 was registered under Sections 124-A and 153-A of the Indian Penal Code. Ex. G-17 is the report sent by G.W. 8. G.W. 9 Sub-Inspector registered a case thereon in F.I.R. No. 53. Ex. G-18 is the photostat copy of the F.I.R. registered on the basis of the same. Ex. G-18(a) is the English translation of Ex. G-18. G.W. 8 investigated the case and arrested the accused and statements under Section 161 Cr. P.C. were recorded. According to him, the challan was sent to the Government for necessary sanction to prosecute. The evi-

dence of G.W. 8 is clear and cogent and I have no hesitation in accepting the same. Acting on his evidence and the documents filed by him, the conclusion is irresistible that Harsharan Singh, who, as already seen, was admittedly a Dal Khalsa activist prior to August 26, 1984, raised pro-Khalistan slogan and openly declared that the Indian Constitution is not binding on them. He also indulged in a derogatory speech against national integration and advocated the establishment of Khalistan. These activities, in my opinion, would come under the mischief of Section 2(f) of the Act.

The eighth instance levelled by the Central Government against Dal Khalsa according to Mr. Anand Swarup, learned counsel, is pronounced by Ex. G-19. The witness who speaks about Ex. G-19 is G.W. 10. G.W. 10, who was Station House Officer, Nakodar on 15-7-1983, swears in his evidence that an Assistant Sub-Inspector, Darbari Lal by name, produced before him a postcard as having been taken down by him from the writings in the outer door of the Mandir of Baba Charan Das. Ex. G-29 is the photostat copy of F.C.P. 382 and its English translation is Ex. G-29(a). The English translation of the postcard under Ex. G-19(a) reads as follows :—

“Ek Onkar

Oh Hindu Dogs—Quit this Mandir (temple) immediately—This Bazar and the temple would be blasted by bombs on Nineteenth.
Dal Khalsa”.

There is no reason to doubt the evidence of G.W. 10. Acting on his evidence and the exhibits filed by him, viz., Exs. G-19 and G-20, one has necessarily to conclude that Dal Khalsa undertook threatening activity as against the Hindus and their temple in Nakodar on or about 15-7-1983, which was after the Notification under Ex. G-1 banning Dal Khalsa. This activity is certainly an offence under Section 153-A of the Indian Penal Code.

The ninth and the last instance of unlawful activity alleged against Dal Khalsa, as argued by Mr. Anand Swarup, is spelt out by Exs. G-21 and G-22, filed by G.W. 11. G.W. 11, former Deputy Supt. of Police, C.I.D. Special Branch, Punjab, would depose that when in service before retirement on 13-9-1983, he was entrusted with the job of looking after the activities of the extremists and Shiromani Akali Dal and other communal organisations. He was also dealing with activities of Dal Khalsa which was a banned organisation but which continued its activities in India and abroad even after the ban. According to him, the activists and sympathisers of Dal Khalsa mainly wrote threatening letters to dignitaries, prominent Hindus and Hindu organisations to create terror and harassment.

In the course of his duties, G.W. 11 came by two threatening letters written by Dal Khalsa activists addressed to Shri B. R. Bansal, Judge, City Court, Mukatsar, which were in turn forwarded by that Judge to the C.I.D. Headquarters, Punjab. Exs. G-21 and G-22 are the two letters, and their English translation is contained in Ex. G-23. These letters threatened the Judge to resign his post on pain or being

killed along with his family, and contained the slogans “Dal Khalsa Zindabad” and “Sant Jarnail Singh Bhindaranwala Zindabad”. According to G.W. 11, nothing came out despite attempts to trace the writers of these letters. The English translation of Exs. G-21 and G-22 are :

“To

Sh. B. R. Bansal,
Judge,
Civil Court,
Mukatsar.

Seal of post office
Mukatsar dated 16-9-83.

Mukatsar

15-9-1983.

Sh. B. R. Bansal, Judge.

You will be shocked to read this letter. If you are duty-bound to obey orders of your Court, then we are also duty bound to obey dictates of our leader. Your days like your family are numbered only. If you want to remain alive along with your family, then resign immediately and take rest.

Today at about 2-00 P.M., the local police has enquired about us at the Rest House of Electricity Board. All has been told to us by our C.I.D. You are at liberty to take whatever precautions, you have been called back by the Almighty. Your days are now numbered only. Our men are soon reaching you to annihilate you.

Sant Jarnail Singh Bhindaranwale Zindabad.
Punjab Police Murdabad.
Punjab Sarkar Murdabad.

Dal Khalsa, Amritsar.”

“To

Shri B. R. Bansal,
Judge near Taxi Stand,
Mukatsar Distt. Faridkot.

Seal of post office
Mukatsar dt. 14-9-83.
Mukatsar.

Shri B. R. Bansal,

Sat Sri Akal. We warn you to get yourself transferred on the receipt of this letter. Not to attend the office from today onwards. We will murder you and your family. The S.S.P. has already been informed about it by us. You might have been killed so far, but you were on leave on that day. Almighty has saved you. You have insulted our faith and men. What else is to be written ? You should leave the place yourself.

Jarnail Singh Bhindaranwale Zindabad.

Dal Khalsa Zindabad.

Doctor Gill Zindabad.

Mukatsar Hindu Murdabad.”

Though the authors of the two letters could not be traced, it is quite evident from the slogan "Dal Khalsa Zindabad" found in the letters, that an office bearer or a sympathiser of Dal Khalsa has had a hand in authoring them. The contents of the letters set out above not only threaten the life of a Judicial Officer but clearly state "Sant Jarnail Singh Bhindranwale Zindabad" "Muktsar Hindu Murdabad."

Exs. G-21 and G-22 have been produced from proper custody and there is no reason of G.W.11 to mulct these letters on the organisation Dal Khalsa. G.W. 11's evidence is straight toward and trustworthy. The letters Exs. G-21 and G-22, which have been sent by Dal Khalsa, spell out the affiliation of this organisation with Sant Jarnail Singh Bhindranwala and the slogan "Dal Khalsa Zindabad" spells out the secessionist activity of this organisation and the slogan "Muktsar Hindu Murdabad" mentioned in these letters spells out the religious bigotry this organisation had against the Hindus. These utterances clearly bring the contents of these letters under the mischief of Section 2(f) of the Act and Section 153-A of the Indian Penal Code.

G.W.11 further deposes that his source provided him with two copies of the weekly journal Des-per-Des in Published from London for the weeks ending May 21, 1982. In the issue dated 7th May, 1982 at page 1, the photograph of Talwinder Singh, leader of Dal Khalsa and his interview with the Editor of Des-per-Des were published. This interview contains imaginary atrocities committed by the Punjab police on Amritdhari Sikhs and a threat that he would repeat a part of the operation which had been undertaken by Banda Bahadur in Sarhind. The interview reported in Des-per-Des issue dated 7th May, 1982 reads as follows :—

"Bhain Ke Deene Soc Parc Hain Jathedar Talwinder Singh Babbar has reached England. London—Jathedar Talwinder Singh Babbar, who is carrying a reward of Rs. 50,000/- on his head, has reached England this week. He has been involved in the murders of Sarpanch of Naroor Panshhta and Mohinder Pal Parmar, General Secretary of the Janta Party, in spite of the fact that the wife of the deceased and Tarkinde Commission have falsified this insinuation. The house of Talwinder Singh has been burnt by the police and the beard of his father S. Jarnail Singh was pulled by the police by taking him to the police station. The house of his in-laws has also been burnt and his father-in-law was so much tortured that he has become handicapped for life.

Jathedar Talwinder Singh, who has made about 10,000 persons as Sikhs by administering Amrit to them, has said to the weekly Desh-Pradesh on 28th April, 'What Bande Bahadur had done at Sirhind, he would re-act the small scene thereof at Delhi.'

G.W.11 also produced the book Ex. G-25 written by Sohan Singh Sital on the life of Banda (Bahadur) Singh Shaheed. At pages 42 to 44 of this book, it is found that there was a massacre of population of Sarhind city, the destruction of its buildings by

Banda Bahadur, the raising of the Khalistan Flag and the announcement of the establishment of Khalsa Raj by Banda Bahadur in the year 1716. The English version of this portion of the book has been marked as Ex. G-25(b). The interview of Talwinder Singh published in the weekly Des-per-Des dated 7th May, 1982 at England cannot be said to be a concocted one. The escape of the activists of Dal Khalsa to United Kingdom and also the vehement attitude they have towards Indian Union and Hindus are patent from the interview of Talwinder Singh with the editor of Des-per-Des. Ex. G-25(b) makes this very clear. These are all materials gathered by the Central Government and nothing can be said against the genuineness of such materials. The evidence of G.W.11 is true and cannot be in any way suspected. This interview clearly establishes that the activists of Dal Khalsa have even in foreign countries, in order to agitate for the independent Khalistan and also to spread hatred between Hindus and Sikhs, indulged in secessionist activities. These materials clearly fall within the mischief of Sections 2(f) and 2(g) of the Act.

G.W.11 also produced a copy of the Punjabi Weekly Des-per-Des dated 21st May, 1982 published from England. At page 17 of this weekly, there is a news item relating to the insult made to Sardar Gurdial Singh Dhillon, Indian High Commissioner in Canada at the Vancouver Airport by the extremists of Dal Khalsa who threw rotten eggs on him and raised Murdabad slogans against him on 8-5-1982. Ex. G-26 is the copy of the said issue. Ex. G-26(a) is the relevant position at page 17 of Ex. G-26. Ex. G-26(b) is its English translation, which reads as follows :—

"Dal Khalsa workers threw eggs on Gurdial Singh Dhillon.

Vancouver-(Canada)- The Indian High Commissioner S.Gurdial Singh Dhillon when reached Vancouver from Ottawa to participate in the elections of the Overseas Congress, eggs were thrown on him at the airport. This incident took place on May 8 (Saturday).

About 200 Babbars of Dal Khalsa raised Dhillon Murdabad slogans to protest against the atrocities allegedly being committed on Amritdhari Sikhs in Punjab. Mr. Dhillon later said that he had not such incident in his life. After night's stay, he left Vancouver."

The above incident, as reported in the Punjabi weekly Des-per Des dated 21st May, 1982, clearly indicates the militant behaviour of the members of Dal Khalsa even in foreign countries such as Canada.

The cumulative effect of the instance war findings recorded above is that the organisation Dal Khalsa through its office bearers or sympathisers has, even after the organisation has been declared as an unlawful association under Ex. G-1, as confirmed by the Tribunal, not wound up its activities, but continued to undertake its unlawful activities both inside and out side India, for the establishment of a separate Sikh State called Khalistan, seceding from the India Union;

That 'Dal Khalsa' has declared as its main objective the establishment of a complete autonomous Khalsa State and in pursuance of its objective, has been preaching secession and disruption of the territorial integrity of India through its activities; and

That the office-bearers and activists of Dal Khalsa have extended support to the creation of Khalistan a separate state, by raising pro-Khalistan slogans and have burnt the Indian National Flag and have organised gatherings and demonstrations to promote the cause of a separate State of Khalistan.

In the result, I hold under Point No. 2 that the Central Government, has shown sufficient cause for declaring the 'Dal Khalsa' as an 'unlawful association

I hereby confirm the Declaration in the Notification under Ex. G-2.

The order, along with the record of the proceedings of the Tribunal in relation to Dal Khalsa including the depositions recorded and the exhibits filed, will be forwarded to the Central Government.

A copy of this order is directed to be forwarded to the Central Government immediately for being published in the Official Gazette of India.

Sd. G. R. GOPALAKRISHNAN

October 25, 1984.

[No. H-17017/52/84-ISUS.DII]

Dr. SANDEEP KHANNA, Dy. Secy.